



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

09/182,745

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/182,745	10/28/98	(MACLEOD) BECK	P3316

024739 LM41/0925
CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS CA 95004

EXAMINER

HUYNH, C

ART UNIT PAPER NUMBER

2776

10

DATE MAILED: 09/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/182,745

Applicant(s)

MACLEOD BECK ET AL

Examiner

Cong-Lac Huynh

Art Unit

2776

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on 4/6/00 is: a) ☐ approved b) ☒ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed on 4/6/00 to the application filed on 10/28/98.
2. Claims 1-20 are pending in the case. Claims 1, 6, 11, 16 are independent claims.
3. The objection of claims 1 and 11 under 35 U.S.C., second paragraph, as including informalities have been withdrawn in view of the amendment.
4. The rejections of claims 6, 11, and 16 under 35 U.S.C., second paragraph, as being indefinite have been withdrawn in view of the amendment.
5. The rejections of claims 1-15 under 35 USC 101 as being directed to non-statutory subject matter have been withdrawn as necessitated by the amendment.

Drawings

6. Figure 11 is objected since the 241 (Set System & Platform Parameter) and 243 (Select Programming Language/Module) do not match the specification (page 53, lines 11-21).

Specification

7. The abstract of the disclosure is objected to because in the sentence "In the programming application...IMA." (page 61, lines 12-14), there is one extra word "programmer" (page 61, line 14). Correction is required.
8. The specification is objected since step 240 (Set System & Plateform Parameter) and 242 (Select Programming Language/Module) do not match steps disclosed in figure 11.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2776

consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-2, 6-7, 16-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (US Pat No. 5,983,218, 11/9/99) in view of Torres et al. (US Pat No. 5,897,635, 4/27/99).

Regarding independent claim 16, Syeda-Mahmood discloses:

- selecting first selectable software modules providing functionality for an Interactive Multimedia Application (IMV) other than access and rendering of the multimedia files (this disclosure is about the design of multimedia databases (col 3, lines 61-64); a computational framework is presented for the design of multimedia ...methods for index creation on multimedia content, image and video data, to enable the descriptions of the database queries.. direct interactive dialog between the web client and multimedia database (col 4, lines 10-30))
- selecting at least one selectable Interactive Multimedia Viewer software module including a code set adapted to access and render media code from multimedia files in a data repository (the invention is part of a web-based multimedia retrieval system...the design of a web server that can *select and coordinate information flow* between the database sites and the user sites (col 4, lines 4-10))
- an editable layer to program limitations limiting access to preselected media files (A set of generic rules will be constructed to conduct the refinement of the site revelancy of query-data patterns extracted from the web database sites (col 7, lines 50-53))

Art Unit: 2776

Syeda-Mahmood does not disclose the editing of the editable layer of at least one IMV and the joining of selected and edited modules to form the IMV.

Torres discloses:

- the accessing and rendering media from multimedia files in a data repository (col 4, lines 10-55)
- edit the editable layer of the at least one IMV (col 3, lines 9-23)
- joining the selected and edited modules to form the IMA (col 3, lines 20-30, col 4, lines 10-30)

Though both Syeda-Mahmood and Torres do not use the terms the software modules and Interactive Multimedia Viewer as claimed, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Syeda-Mahmood into Torres since the system of Syeda-Mahmood and Torres show the accessing and rendering of the multimedia files as well as editing and customizing the multimedia presentations, where the multimedia is from the repository, through the Customized User Interface for forming the Interactive Multimedia Application.

Regarding claim 17, which is dependent on claim 16, as in claim 16, Syeda-Mahmood discloses one software interface to the software modules providing functionality other than access and rendering the multimedia files (such a server also directs interactive dialogue between the web client and multimedia database (col 4, lines 19-30)).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have utilized this feature of Syeda-Mahmood since Syeda-Mahmood provides an interactive dialogue, which is an interface, to perform the indexing on multimedia content, which is a function other than the access and rendering the multimedia files.

Independent claim 1 is a software Interactive Media Viewer module to perform one of the steps of the method disclosed in claim 16 (lines 19-24), therefore is rejected under the same rationale.

Claim 2, which is dependent on claim 1, is software module comprising one software interface to perform the method of claim 17, and therefore is rejected under the same rationale.

Independent claim 6 is a programming application to perform the method disclosed in claim 16, therefore is rejected under the same rationale.

Claim 7, which is dependent on claim 6, is a programming application to perform the method of claim 17, and therefore is rejected under the same rationale.

12. Claims 3-5, 8-10, 11-12, 13-15, 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood and Torres as applied to claim 16 above, and further in view of Goetz et al. (US Pat No. 5,956,729, 9/21/99).

Regarding claim 18, which is dependent on claim 16, Syeda-Mahmood and Torres do not disclose that the IMV is adapted to access and render multimedia code of only one type. Goetz discloses that an application may support several instances of a particular media type (col 3, lines 2-11).

Even though Goetz fails to mention of the code for accessing and rendering of multimedia files, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have included Goetz to Syeda-Mahmood and Torres. The

Art Unit: 2776

fact that Goetz shows the supporting of several instances of a particular media type implies that Goetz includes that type of code to perform such function.

Regarding claim 19, which is dependent on claim 16, Syeda-Mahmood and Torres do not disclose that the IMV is adapted to access and render multimedia code of more than one type.

Goetz discloses that the invention includes a multimedia file for organizing at least one type of media on a computer-readable medium, such as a CD Rom, hard disk, or the like. The multimedia file is capable of storing and identifying multiple instances of at least one media type (col 3, lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Goetz to Syeda-Mahmood and Torres since Goetz further provides the access and rendering a multimedia file of at least one type, which means one type or more than one type of media.

Regarding claim 20, which is dependent on claim 16, Syeda-Mahmood and Torres do not disclose that the multimedia files stored in the data repository represent multimedia transactions, and are characterized with tags according to one or more of date, time, participants, file type; company affiliation of participants, subject or issue, and relationship to other multimedia files.

Goetz discloses:

-- the multimedia files represent multimedia transactions (a web page may allow to access to certain files stored on the server, including multimedia files. The web browser application invokes the novel multimedia client application which initiates an interaction

Art Unit: 2776

with the multimedia server application to produce the multimedia file (col 11, lines 21-38, col 8, lines 40-46))

-- date, time, file type, subject and relationship to other multimedia files (the time of day as determined by a reference clock in the server (col 11, lines 39-47, 61-66); the media request message sent to the multimedia server application, specifying the desired media type to be produced (col 11, lines 43-45); specifying the sizes and relationships of the information to be produced (col 12, lines 1-14)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Goetz to Syeda-Mahmood and Torres to provide the multimedia files as claimed in combination with the feature disclosed in claim 16 since Syeda-Mahmood and Torres show the accessing and rendering of the multimedia files as well as editing and joining media files to create multimedia presentations for forming the Interactive Multimedia Application, which are important points of a Multimedia Communication environment, and Goetz adds more features of multimedia files such as date, time, subject, and relationship to other multimedia files.

Claims 3-5 are IMV software modules to perform the method of claims 18-20, and therefore are rejected under the same rationale.

Claims 8-10 is a programming application to perform the method of claims 18-20, and therefore are rejected under the same rationale.

Independent claim 11 is for a multimedia communication center which includes the limitations of claim 6, the storage system for recording multimedia file (rejected in claim

Art Unit: 2776

20), and the access interface (Torres, col 1, lines 39-48; col 2, lines 5-34), therefore is rejected under the same rationale applied to these claims.

Claim 12, which is dependent on claim 11, comprising software interfaces disclosed and rejected in claim 17 above, and therefore is rejected under the same rationale.

Claims 13-15 is a multimedia communication center including the IMV disclosed in the method of claims 18-20, and therefore are rejected under the same rationale.

Response to Arguments

13. Applicant's arguments filed 4/6/00 have been fully considered but they are not persuasive.

Regarding independent claim 16, Applicants argue that Syeda fails to disclose the IMV software module including a code set adapted to access and render media code from multimedia files in a data repository.

Examiner admits that Syeda does not explicitly disclose said code. However, Syeda has the ability of performing of accessing and rendering multimedia content and the multimedia presentation (col 4, lines 4-28, col 5, lines 30-39). This implies Syeda software should include said code to perform these functions.

Applicants also argue that Torres does not the ability of editing the Interactive Multimedia Viewer (IMV) and joining the selected and edited modules to form the Interactive Multimedia Application (IMA).

Examiner disagrees. Though Torres does not use the same terminology as Applicants do (IMV, IMA), Torres does teach the Customization User Interface (CUI), which is correspondent to IMV, through which an user can update, edit and manipulate applications (col 3, lines 10-37, col 4, lines 10-67, col 5, lines 1-8).

Regarding claim 20, Applicants argue that Goetz does not teach the tags that characterize multimedia files stored in the data repository.

Examiner admits that Goetz does not disclose explicitly said tags but Goetz does disclose that each multimedia file has the file type, the time, the size and the relationship with other multimedia files. These attributes, which function as tags, characterize the media files and can be used to view a multimedia file, to send the "go" message to the multimedia application or used to send a packet of media (col 11, lines 26-38, col 12, lines 1-14, col 7, lines 56-67, col 8, lines 1-46).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2776

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is (703) 305-0432. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached on (703) 305-4713. The fax number to this Art Unit is (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2776

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:


(703) 308-5403 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

clh

9/19/00



STEPHEN S. HONG
PRIMARY EXAMINER